

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**DECLARATION OF TIMOTHY M. FREY IN SUPPORT OF SMARTMATIC'S
MOTION TO STRIKE THE JULY 9, 2024 REBUTTAL REPORT OF ROBERT
BOWES AND OTHERWISE EXCLUDE HIS TESTIMONY**

I, Timothy M. Frey, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned lawsuit.

3. Attached as Exhibit A is a true and correct copy of the July 9, 2024 Defendants' Expert Rebuttal Report of Robert Bowes.

4. Attached as Exhibit B is a true and correct copy of the September 22, 2023 Expert Report by Donald A. Gorowsky, CPA, CMA, CFF, JD, and which was later adopted by Bowes “in toto.”

5. Attached as Exhibit C is a true and correct copy of the August 6, 2024 deposition transcript of Robert Bowes.

6. Attached as Exhibit D is a true and correct copy of the September 22, 2023 Expert Report of Kevin Keller, Ph.D.

7. Attached as Exhibit E is a true and correct copy of the September 22, 2023 Expert Report of Jonah Berger, Ph.D.

8. Attached as Exhibit F is a true and correct copy of the September 22, 2023 Expert Report of Tammy Patrick.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Timothy M. Frey

Executed on November 13, 2024